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Lead Attorney for Plaintiffs

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

CENTER FOR BIOLOGICAL DIVERSITY, Case No: 3:18-cv-01035-MO
et al,

Plaintiffs,

v.

[PROPOSED] STIPULATED
DISCOVERY SCHEDULE

DAUGHERTY, et al,

Defendants.

Pursuant to the Court's Order of September 18, 2018 granting the parties' joint motion to stay discovery, ECF 34, 22, the Parties hereby stipulate to the following proposed discovery schedule in this case.

DATE	EVENT
Friday, June 14, 2019	Initial Disclosures
Friday, July 8, 2019	First date on which parties may serve written Discovery

Friday, Sep. 27, 2019	Expert Disclosure (initial)
Friday, Feb. 1, 2019	Expert Disclosure (rebuttal)
Friday, Mar. 27, 2020	Non-Expert Discovery & Disclosure Cut-Off
Friday, April 24, 2020	Expert Discovery & Disclosure Cut-Off

Upon the consent of the Parties or for good cause shown, any party may request that the Court extend any of these deadlines.

This schedule will allow sufficient time to complete what the Parties anticipate will be extensive fact and expert witness discovery in this case, endeavoring to ensure that the Parties have adequate time to develop their claims and defenses, and as a result, precluding the need for extensions that are likely to arise under a more compressed schedule.¹ The proposed schedule set forth above also considers the schedules of a multitude of expert witnesses who will weigh in on proximate cause and forestry managers with demands on their time, particularly during wildfire seasons. This schedule is also consistent with stipulated schedules in cases alleging violations of section 9 of the Endangered Species Act. *See e.g.* Minute Order, *Cascadia Wildlands et al v. Decker et al*, Civ. No. 12-00961 (D. Or. July 16, 2012), ECF No. 35 (enlarging discovery period in ESA section 9 case to 11 months); *Wild Equity Institute et al v. City and County of San Francisco et al*, Civ. No. 11-00958 (N.D. Cal. June 28, 2011), ECF No. 48 (discovery schedule for ESA section 9 case lasting 12 months).²

¹ This stipulated schedule does incorporate time for the Defendants to review the amended complaint to determine whether to file answers or move for dismissal.

² Although this motion does not expressly set a schedule for Plaintiffs to file a motion for a preliminary injunction, the parties have discussed that Plaintiffs may do so and recognize that the one or more parties may request an extension of the proposed discovery schedule for good cause shown should in the event that such a motion is filed.

DATED: February 6, 2019

Respectfully submitted,

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s/Amy R. Atwood

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